UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/1290
29 December 1999

ORIGINAL: ENGLISH

LETTER DATED 28 DECEMBER 1999 FROM THE CHARGÉ D'AFFAIRES OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit, enclosed herewith (see annex), information concerning the destruction of the Yugoslav media infrastructure by the North Atlantic Treaty Organization and violation of the State sovereignty of the Federal Republic of Yugoslavia in the telecommunication field following the adoption of Security Council resolution 1244 (1999).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-40348 (E) 301299

/...

Annex

Information concerning the destruction of the Yugoslav media infrastructure by the North Atlantic Treaty Organization and violation of the sovereignty of the Federal Republic of Yugoslavia in the telecommunications field following the adoption of Security Council resolution 1244 (1999)

During its aggression against the Federal Republic of Yugoslavia, in addition to vast human losses, the North Atlantic Treaty Organization (NATO) has inflicted enormous material damage by destroying or demolishing facilities that were used by the telecommunication system in the Federal Republic of Yugoslavia, in particular in the Republic of Serbia. The NATO alliance targeted repeater, transmitter, relay and base global system for mobile communications (GSM) stations and the NMT network, as well as telephone exchanges, cable and other transmission systems along with their equipment, post offices and the energy generating system, whose frequent cuts indirectly helped interfere with the Yugoslav telecommunication system.

The NATO air campaign resulted in the destruction of three land stations: two analogous ones within the International Telecommunications Satellite Organization (INTELSAT) system and a digital one within the European Telecommunications Satellite Organization (EUTELSAT).

Also, two television centres (at Belgrade and Novi Sad) were totally destroyed. When the Radio-Television Serbia (RTS) building at Belgrade was bombed, there were many civilian deaths among its employees as the programme was on air.

NATO air strikes against more than 20 broadcast installations belonging to the RTS primary network caused the knocking down of TV towers, the destruction of aerial systems and pillar posts and radio and broadcast equipment, the cutting off of broadcast cables, and damage to or the destruction of energy facilities.

The destruction of the three bridges in Novi Sad severed the optical and coaxial fibres that used to serve as telephone channels in international telephone links.

NATO warplanes even targeted private property, including all the facilities belonging to numerous private radio stations.

By causing debilitation or partial destruction of the broadcast system in the Federal Republic of Yugoslavia, the NATO member States participating in air attacks on it have breached one of the fundamental principles of the International Telecommunication Union (ITU) constitution, that of respect for the sovereign right of every country to regulate its telecommunications. In addition, they have violated the spirit and basic principles contained in United Nations instruments and other documents concerning human rights and freedoms since the disabling and destruction in part of the Yugoslav broadcast system - which as an electronic media served to inform the public at large - also

violated one of the basic human rights, namely the right to freedom of information.

At the time of the NATO air campaign, the relevant Yugoslav administration also registered violations of the broadcast space of this country, in breach of the relevant provision of the international rules concerning radio telecommunications (article S23 thereof) banning the establishment and use of broadcast stations on board ships, aircraft or other vessels or objects outside national territories. The Director-General of ITU has been informed of this.

NATO air raids against the telecommunication system and facilities in the Federal Republic of Yugoslavia inflicted enormous material and economic losses both on the telecommunications systems themselves and on their beneficiaries, and also violated the right of every individual and citizen to communicate with other people and to be informed in the fastest possible way on the eve of the twenty-first century.

NATO air attacks against the telecommunication system and facilities in the Federal Republic of Yugoslavia were in no way founded on existing ITU legislation, which recognizes the importance of telecommunications in the contemporary world. The ITU constitution, in its preambular paragraphs, refers to the increasing importance of telecommunications in the maintenance of peace and socio-economic development of all States. Therefore, ITU member States, to facilitate peaceful relations, international cooperation and economic and social development among nations through good operation of telecommunications, have set up a specialized agency of the United Nations (now with a membership of over 186) and adopted the relevant legal documents.

ITU member States have undertaken to observe the provisions of its constitution, conventions and governing rules of procedure as the relevant founding documents of that international organization. The States which took part in the NATO aerial bombardment of the telecommunications systems and facilities in the Federal Republic of Yugoslavia have failed to live up to their ITU obligations.

As long as NATO air strikes were going on, a number of countries unilaterally suspended postal links with the Federal Republic of Yugoslavia - also in violation of the applicable regulations of the Universal Postal Union (UPU) as well as of the bilateral arrangements in force in the field of postal traffic.

Among other demolished telecommunication facilities, the NATO sustained air campaign also knocked out the EUTELSAT satellite station. Regrettably, this European organization concerned with satellite communications decided to suspend RTS broadcasts via satellite. The decision, which was put into effect immediately, caused heavy broadcast and economic losses to RTS, thus violating the interest of the Federal Republic of Yugoslavia as a EUTELSAT member. Economic losses as a result of suspension of the right of RTS to use the EUTELSAT's outer space segment will also be suffered by this satellite international organization.

The Federal Republic of Yugoslavia, as a member of EUTELSAT, and Radio-Television Serbia, as a beneficiary of the EUTELSAT's outer space segment, have fulfilled all their obligations under the Convention and the Agreement on the exploitation of EUTELSAT and have in no way violated the highest legal documents of this European organization. So, there existed no legal basis for making such a decision but rather political motives prevailed in its adoption.

Following the decision to suspend the rights of exploitation of the EUTELSAT satellite, the competent Government administration reacted by writing to the Director-General of EUTELSAT, to the President of the Assembly of the Contracting Parties and the President of the Council of the EUTELSAT State Parties, requesting that the suspension be ended without delay and the exploitation of the satellite for RTS purposes be resumed again, but to no avail.

The adoption of Security Council resolution 1244 (1999) and the deployment of the international presence in Kosovo and Metohija have not prevented the activities aimed at interfering with the telecommunications systems in the territory of the Federal Republic of Yugoslavia. These activities represent a suspension of the sovereign right of a State to apply legislation in the field of telecommunications and postal traffic by the competent authorities within the procedures prescribed. Consequently, these activities have resulted in the violation of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia as a State.

Such activities have further violated the relevant provisions of applicable international documents (rules of procedure concerning radio telecommunications adopted by ITU) or breached the basic principles of international intergovernmental organizations dealing with telecommunications and postal links.

The sovereignty of the Federal Republic of Yugoslavia is violated also by the following activities:

- Jamming of broadcasts by Yugoslav radio stations which have been allocated frequencies according to international plans and have been legally operating on these frequencies. The jamming includes harmful hindrance and increased level of broadcasts, all originating from neighbouring countries. These violations of Federal Republic of Yugoslavia broadcasting space have been brought to the attention of ITU and respective administrations in these countries;

- Suspension of RTS broadcasts via EUTELSAT;

- Seizure of facilities and telecommunication capacities of Yugoslav telecommunication operators in the region of Kosovo and Metohija province. As a result of this, they have no knowledge of the state their equipment is in and what functional changes have been made to it;

- Violation of the property rights and the right to carry out an activity by the Telecom Serbia company in that province. This joint-

stock company is mixed since 49 per cent of its equity is owned by shareholders from Italy and Greece. In this respect, a protest was lodged with the head of the United Nations Interim Administration in Kosovo (UNMIK);

- Contracting certain foreign telecommunications companies as equipment suppliers, as well as service providers in the territory of the Province of Kosovo and Metohija by the international security force (KFOR) and UNMIK, without the knowledge and approval of the competent Federal Ministry of Telecommunications, and contrary to Security Council resolution 1244 (1999). At the same time, Yugoslav telecommunication and radio broadcasting companies are prevented from purchasing equipment from foreign manufacturers necessary to repair facilities destroyed or demolished during the NATO aggression against the Federal Republic of Yugoslavia;

- Making it impossible to collect payments for telephone services for international telephone calls from Kosovo and Metohija provided through international telephone exchange in Belgrade, inflicting direct financial losses on Yugoslav telecommunication operators;

- Preparing to redirect international telecommunication exchange from the territory of Kosovo and Metohija to telecommunication centres outside the territory of the Federal Republic of Yugoslavia, thereby creating conditions to separate it from the existing single telecommunications system of our country, in flagrant violation of Security Council resolution 1244 (1999) as well as the highest legal acts of ITU;

- Preliminary activities and providing information concerning the possibility of introducing a separate country dialling code for the territory of the Province of Kosovo and Metohija which were unsuccessful since ITU stated that a country asking for a separate country code had to be recognized by the International Telecommunication Union or the United Nations;

- Introducing international satellite links without the approval of the Federal Ministry of Telecommunications, and doing so by using the capacities of the international satellite organizations whose full member is the Federal Republic of Yugoslavia;

- Destroying radio and TV transmitters of Mt. Mokra Gora by the French KFOR contingent and preventing access to RTS employees to other radio broadcasting facilities in Kosovo and Metohija;

- Allocating frequencies to radio broadcasting stations without the approval of the Federal Ministry of Telecommunications and by putting into operation radio broadcasting stations in Kosovo and Metohija by KFOR and UNMIK;

- Attempts to prevent rebroadcasting of programmes of privately owned radio stations in the territories of other countries;

- Preventing the Yugoslav State delegations from taking part in the deliberations of the highest organs of international organizations whose member the Federal Republic of Yugoslavia has been since their inception. The Yugoslav delegation could not take part in the session of the Assembly of the International Telecommunication Union, held in November 1998 at Minneapolis, United States of America, the EUTELSAT Assembly in May 1999 at Cardiff, United Kingdom of Great Britain and Northern Ireland, or at the Twelfth Conference of UPU, held in September 1999 at Bejing;

- Continuing activities of UNMIK, which contrary to the provisions of Security Council resolution 1244 (1999) violate the sovereign rights of the Federal Republic of Yugoslavia in the field of telecommunications. The regulation on postal and telecommunications services in Kosovo and Metohija No. 1999/12 of 14 October 1999 issued by the Special Representative of the Secretary-General, Bernard Kouchner, is a flagrant example of illegal measures taken by UNMIK, which has no basis in the resolution. The Director-General of ITU has been duly informed of this matter, as well as the competent administrations in Italy and Greece whose companies are shareholders in Telecom Srbija.